IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

HAWN, RAYMOND

Serial No.: 10/692,335

Filed: 10/22/2003

QUALITY ASSURANCE PROGRAM AND METHOD FOR MEAT PRODUCTION

Docket No.: 32953-DIV

Confirmation No.: 9122

Group Art Unit No.: 3643

Customer No.: 23589

Examiner: Price, Richard Thomas Jr.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

The owner, Heartland Premium Beef, Inc., of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,830,010. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any

Serial No. 10/692,335

Docket No. 32953-DIV

terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge \$65.00 for this Terminal Disclaimer and payment of any other fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

September 30, 2005

Phomas B. Luebbering, Reg. No. 37,874

2405 Grand Blvd., Suite 400 Kansas City, MO 64108

(816) 474-9050

ATTORNEYS FOR APPLICANT(S)

Law Offices HOVEY WILLIAMS LLP

2405 Grand - Suite 400 Kansas City, Missourl 64108

Phone: (816) 474-9050

Fax: (816) 474-9057

TELEFACSIMILE COVER SHEET

TO:

Examiner Richard Thomas Price, Jr.

COMPANY:

Patent and Trademark Office

FAX:

(571) 273-6892

FROM:

Thomas B. Luebbering

DATE:

October 3, 2005

NUMBER OF PAGES (including cover sheet): 3

**NOTE:

Attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent for Serial No. 10/692,335.

If you do not receive all of the pages or encounter difficulties in transmission, please contact us immediately at (816) 474-9050

Operator:

Meghan Abbott

COMMENTS:

The documents accompanying this transmission contain information from the law firm of Hovey Williams LLP. The information is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, any reading, disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. The documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so we can arrange for the return of the original documents to us at no cost to you.